

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

WILLIAM McCASKILL,

Plaintiff(s),

v.

MISSOURI DEPARTMENT OF
CORRECTIONS BOARD OF PROBATION
AND PAROLE,

Defendant(s).

Case No. 4:22-cv-00220-SRC

Memorandum and Order

Self-represented Plaintiff William McCaskill brings this civil rights action under 42 U.S.C. § 1983 against the Missouri Department of Corrections Board of Probation and Parole. The matter is now before the Court on the motion of McCaskill for leave to proceed in forma pauperis. Doc. 3. Because McCaskill's motion does not comply with the law, the Court denies it without prejudice and orders McCaskill to either file a new, completed motion or pay the full filing fee.

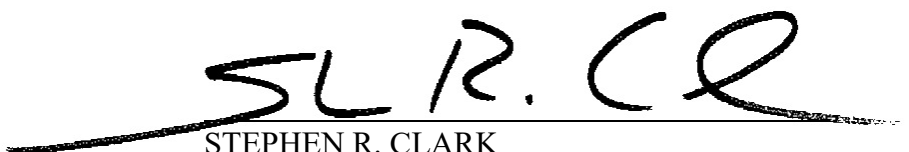
The Court may authorize the commencement or prosecution of a civil action without prepayment of fees if the plaintiff demonstrates he "is unable to pay such fees or give security therefor." 28 U.S.C. § 1915(a)(1). Under 28 U.S.C. § 1915(b)(1), when a prisoner brings a civil action in forma pauperis, the prisoner must pay the full amount of the filing fee, usually in the form of an initial partial payment and then installment payments over time. To proceed in forma pauperis, a litigant need not show that he is "absolutely destitute," but he must demonstrate that, because of his poverty, he cannot pay for the litigation costs and still be able to provide for the necessities of life. *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 339 (1948); *see also Lee v. McDonald's Corp.*, 231 F.3d 456, 459 (8th Cir. 2000). Under the Local Rules of this

Court: “An application to proceed in forma pauperis shall be accompanied by a statement of the applicant’s financial information set forth on a form provided by the Court. The Court may require the submission of additional information in a particular case.” E.D. Mo. L.R. 2.05(A). Additionally, under the Local Rules, the Clerk can return any complaint submitted for filing in forma pauperis which is not accompanied by the affidavit required by law. E.D. Mo. L.R. 2.05(C). The affidavit should include “a statement of all assets.” 28 U.S.C. § 1915(a)(1).

In this case, the Court cannot assess whether it should grant McCaskill leave to proceed in forma pauperis because he has not provided the Court with any financial information. McCaskill’s motion is blank except for the case caption, the name of McCaskill’s place of incarceration, and McCaskill’s signature. *See* Doc. 3 at pp. 1–2. In addition, McCaskill has not filed a certified inmate account statement as directed by the form. *Id.* at p. 1.

Accordingly, the Court denies without prejudice McCaskill’s [3] motion to proceed in forma pauperis and directs the Clerk to mail McCaskill a blank “Application to Proceed in District Court without Prepaying Fees or Costs.” No later than June 8, 2022, McCaskill must either pay the full \$402 filing fee or submit a completed “Application to Proceed in District Court without Prepaying Fees or Costs” in accord with the instructions on the form. If McCaskill chooses to file an “Application to Proceed in District Court without Prepaying Fees or Costs,” he must also submit a certified copy of his prison account statement for the six-month period before he filed his complaint. If McCaskill fails to comply with this order, the Court will dismiss this case without prejudice and without further notice.

So Ordered this 11th day of May 2022.


STEPHEN R. CLARK
UNITED STATES DISTRICT JUDGE